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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/498,772 02/05/00 RAITH

A P-4015.398/P

EXAMINER

TM02/1010

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TOTAL K

ART UNIT

PAPER NUMBER

2684

DATE MAILED:

10/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/498,772

Applicant(s)

RAITH, ALEX KRISTER

Examiner

Khawar Iqbal

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 04.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry, Jr. (# 5991622) and further in view of Imaseki (# 3913017) and O'Neal et al (# 6263064).
3. Regarding claims 1, 15, 27, 38 and 44 Henry, Jr. teaches method of channel selection for a mobile station comprising: determining a position of said mobile station (col. 6, lines 16-25) periodically performing channel quality measurements of signals transmitted from one or more base stations (col. 7, lines 20-26) wherein a frequency of performing said channel quality measurements is a function of said position of said mobile station (col. 9, lines 5-60, col. 10, lines 1-10, fig. 1-10). Henry, Jr. does not specifically teach channel quality measurements is a function of said position. On the other hand Imaseki discloses frequency of performing said channel quality measurements is a function of said position (col. 4, lines 10-65, col. 5, lines 1-15, fig. 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Imaseki user frequency of performing said channel quality measurements is a function of said position into the system of

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Henry mobile station may monitor signal and frequency of channel quality measurement would increase with increasing position.

4. Regarding claims 2,16,26,32,45 and 37 Henry, Jr. teaches frequency of performing said channel quality measurements is a function of the relative position of said mobile station with respect to a first base station serving said mobile station (col. 4, lines 1-15, see above).
5. Regarding claims 3,17,33,40 and 46 Henry, Jr. teaches frequency of performing said channel quality measurements is a function of the relative position of said mobile station with respect to a first base station serving said mobile station and at least one additional base station (col. 10, lines 30-55, see above).
6. Regarding claims 4 and 18 Henry, Jr. teaches position of said at least one additional base station is transmitted to said mobile station by said first base station (col. 4, lines 1-15, see above).
7. Regarding claims 5 and 19 Henry, Jr. teaches position of said at least one additional base station is included in a neighbor list transmitted to said mobile station by said first base station (col. 4, lines 1-15, see above).
8. Regarding claims 6,20,34,41 and 47 Henry, Jr. teaches frequency of performing said channel quality measurements is a function of the mobility of said mobile station (col. 6, lines 52-65, see above).
9. Regarding claims 7,21,35,42 and 48 Henry, Jr. teaches frequency of performing said channel quality measurements is a function of the rate of change of said position of said mobile station (col. 3, lines 10-20, col. 6, lines 52-66).

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10. Regarding claims 8,22,36,43 and 49 Henry, Jr. teaches frequency of performing said channel quality measurements is a function of the length of time said mobile station (col. 7, lines 1-7,55-60, see above).

11. Regarding claims 9 and 23 Henry, Jr. teaches channel quality measurements are performed by said mobile station while said mobile station is in an idle mode (col. 6, lines 20-30, fig. 5-10).

12. Claims 10, 11,24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry, Jr. (# 5991622) and further in view of Imaseki (# 3913017) and O'Neal et al (# 6263064).

13. Regarding claims 10,11,24 and 25 Henry, Jr. and Imaseki do not specifically teach packet switched call and circuit switched call. On the other hand O'Neal et al disclose packet switched call and circuit switched call (col. 10, lines 45-67, col. 11, lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of O'Neal et al user packet switched call and circuit switched call into the system of Henry channel selection procedures very depending on whether circuit-switched or packet-switched connection are used in wireless communication system.

14. Regarding claims 12 and 29 Henry, Jr. teaches mobile station uses said channel quality measurement for cell reselection (col. 1, lines 55-65, col. 9, lines 30-44).

15. Regarding claim 13 Henry, Jr. teaches further including transmitting said channel quality measurements from said mobile station to a first base station serving said mobile station (col. 4, lines 1-20).

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16. Regarding claim 14 Henry, Jr. teaches making hand-off determinations at said first base station based on said channel quality measurements (col. 10, lines 45-54, see above).

17. Regarding claim 28 Henry, Jr. teaches transmitting said list of neighboring base stations and corresponding positions for each of the neighboring base stations is transmitted on a broadcast channel (col.5, lines 1-10).

18. Regarding claim 30 Henry, Jr. teaches list includes a plurality of area definitions, and wherein said neighboring base stations in said list are associated with at least one of said area definitions in said list (col. 4, lines 1-15).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kong (# 6275186), Kinoshita (# 5432842), Ghosh (# 5508708), Smith (6167274), Spaur (6122518) and 5293641) teach communication channel and position selection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL HUNTER, can be reached at 703-308-6732.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231


**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal

  
DANIEL HUNTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600